

**MINUTES OF THE TYNGSBOROUGH CONSERVATION COMMISSION MEETING  
TOWN HALL COMMUNITY ROOM  
September 13, 2005**

**Present**

HJ: Henry Jungmann, Chairperson	JZ: Jeanne Zarba	LC: Lori Capone, Director
RS: Robert Sherburne, Vice Chair	FZ: Frank Zarba	GC: Gloria Clancy, Clerk
LG: Lucy Gertz	BL: Brian Logue, Associate Member	

**Absent**

CH: Cynthia Hanna    JK: Jeff Kablik

**7:00 Meeting opened** by Henry Jungmann, Chairperson

**7:02 Don Crowell – 130 Lakeview Avenue – Notice of Intent:** (Map 25, Parcel 42)(Continued from 8/23/05) Proposed construction of a single family dwelling, deck, and driveway, grading and associated utilities within the buffer zone. Maureen Hanley of Norse Environmental Services, Inc. told the members we now have a DEP number for the filing. That was the only thing holding up the vote at last meeting. HJ asked if there was any further presentation or discussion. There was none. HJ opened the hearing to abutters; there were none.

**RS: Motion** to close the hearing.

**JZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**LG: Motion** to issue an Order of Conditions for 130 Lakeview Avenue per plan dated 8/9/05.

**FZ: 2<sup>nd</sup>.**

**Unanimous.**

**Other Business:**

- ❖ **Director Determination for 55 River Road** – David Starr. Requesting permission to remove two trees within the riverfront and floodplain. One is leaning over wires, the other is leaning towards a neighbor's house. LC showed an aerial photo of the lot. It is very wooded. The applicant will remove the trees in sections and leave the stumps.

**RS: Motion** to approve the Director Determination for 55 River Road.

**JZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

- ❖ **Director Determination for 3 Rello Way** – Connell Construction. There is an active OOC on this lot. LC showed the Notice of Intent plan with the house drawn on in the new location. Scott is asking for approval to shift the house location over and back, further from the bordering vegetated wetland. No one had any issue with the change.

**FZ: Motion** to approve the Director Determination for 3 Rello Way.

**LG: 2<sup>nd</sup>.**

**Unanimous (5-0).**

- ❖ **Director Determination for 112 Scribner Road** – Lisa Coy. This lot has an active OOC for a septic system. The applicant wishes to add a 16' X 12' deck off the back of the house, 52' from

the wetland. Disturbance will be hand dug sonar tube footings. The area is presently lawn. LC said she has no issue with this addition.

**RS: Motion** to approve the Director Determination for 112 Scribner Road.

**JZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**7:15 Brad Pacheco – 80 Danforth Road – Notice of Intent:** (Map 11, Parcel 30, Lot 7) (Continued from 8/23/05) Proposed construction of a driveway and utilities within the buffer zone associated with a single-family dwelling. Matt Hamor of Polaris Engineering Corp. presented a revised plan and explained the changes as requested by the Commission at the last meeting; including details on the 3' wide by 2 ½ ' deep infiltration swale, notation #8 for orange construction fencing along the edge of the clearing; and a new page 1 of the NOI with the correct name of the applicant being Gregg Looney for B & G Realty Trust. DEP has issued a file number. HJ opened the hearing to abutter comments. There were none.

**JZ: Motion** to close the hearing.

**RS: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**FZ: Motion** to issue an OOC permitting the project for 80 Danforth Road per plan revised 8/25/05.

**JZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

#### **Other Business:**

❖ Michael Shyjan - Request for Extension of an Order of Resource Area Delineation for 1 Lakeview Avenue. The original ORAD will expire this October. There was discussion. The Commission decided that seeing as no work has begun on the project within the 3 year period from the issuance of said Order and no work is anticipate in the near future, and since the Wetlands Protection Act has been revised as well as the new regulations instituted by the Conservation Commission , the ORAD should not be extended.

**JZ: Motion** to deny the extension f the ORAD for 1 Lakeview Avenue because on the reasons stated above.

**FZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

❖ LC referred to items in the members' folders: **Forest & Trails minutes** from 9/7 for review; correspondence on the **appeal of Lot 12 River Bend Road**. DEP held a site visit there recently, but never notified our office about it; a **Memorandum of Law** from Town Counsel Zaroulis; a copy of a warrant article HJ asked LC to write for the Community Preservation Committee requesting appropriation of \$5,000.00 to be expended by the Conservation Commission on interior fixtures and furnishings to support educational and recreational programs to be held at the **Historical Sherburne House**; copy of a letter from LC to BOS **requesting** a portion of the recently found **free cash** be returned to the Con Com budget, especially for the salary account to **recoup some clerical hours** needed to accomplish the job effectively; copy of a letter from LC to Darlene Dumais, **53 Mascuppic Trail** regarding inspection and action taken upon receipt of **complaint** against the contractor performing the work on a retaining wall not conforming to the OOC that we issued.

**7:30 Donato DiRocco – 361 & 371 Middlesex Road – Notice of Intent:** (Map 12, Parcel 40 and Map 19, Parcel 8A) Proposed installation of a water line within 200' of an unnamed perennial stream.

**RS: Motion** to waive the reading of the abutter list.

**FZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**RS: Motion** to waive the reading of the legal notice.

**JZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

HJ corrected the “unnamed perennial stream” to “Locust Brook”. Mr. DiRocco passed out plans showing the resource area and the project of the proposed water line. The water line will be coming up from Farwell Road. The disturbance will consist of a trench about 2' wide with disturbance about 10' wide that will be backfilled and restored upon completion of the installation. He explained that Marybeth Shanahan plans to open an upscale restaurant in the current location of *Matthews*. The Town has required that municipal water be available. There was discussion. HJ asked for abutter comments; there were none. LC said we have not received a DEP number for this filing as yet.

**RS: Motion** to continue this hearing to September 27 at 7:30 P.M.

**JZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

#### **Other Business:**

❖ **Steve Berthiaume** gave a presentation on *The Personal and Community Benefits of Disc Golf to Rural America and Beyond*. Popularly referred to as “frisbee golf” it is played similar to its ball brother but is played with specially designed flying discs thrown at metal chain baskets or elevated baskets which serve as targets. It can be played by one or more players of any age or gender. Courses are designed to take into account the natural lay of the land and is ideal for use on Conservation Land held for passive activities. The players have an association that maintains the baskets and tees and tend to automatically maintain the courses that they play on. This form of recreation could be income producing for the Commission, if we charged “greens fees”. There was discussion. It was agreed that ***IF*** the Commission was to agree to have a course on Town Conservation Land the Barr Property would lend itself well for that use. LG thought it might save the Forest & Trails members some work in developing and maintaining trails there. Some of the members will meet Mr. Berthiaume at the Barr property on Sunday afternoon to assess the possibility.

**7:45 Steven & Donna Deschenes – 31 Elm Street – Notice of Intent:** (Map 31B, Parcel 23) Raze existing single family home and construct new single family home within the buffer zone of Long Pond.

**JZ: Motion** to waive the reading of the legal notice.

**FZ: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**FZ: Motion** to waive the reading of the abutter list.

Minutes 9/13/05 continued

**RS: 2<sup>nd</sup>.**

**Unanimous (5-0).**

LC said that the applicant has requested a continuance to address floodplain issues and to obtain a DEP number.

**JZ: Motion** to continue this hearing to September 27 at 7:45 P.M.

**RS: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**Other Business:**

❖ HJ told the members that DEP has appealed the Wynbrook project. They have set up a Site Visit for Tuesday, 9/20 at 10 A.M. Members are invited to attend.

❖ The owners of 41 Phalanx Street are looking for a sign off from LC on their Occupancy Permit. LC explained that the house ended up two feet off from the proposed plan. It is 2 feet closer to the Merrimack River but still within the previously disturbed area, but would leave it up to the members whether she should sign off on it. There was discussion.

**JZ: Motion** to allow LC to sign off on the Occupancy Permit for 41 Phalanx Street.

**RS: 2<sup>nd</sup>.**

**Unanimous (5-0).**

❖ There was discussion about the Site Visit at **401 Dunstable Road - Guy Constantine**. Everyone shared their thoughts on the extent of clearing that was done in areas that the OOC said to leave undisturbed. The consensus was to have LC require him to replant a minimum of 35 - 2" caliper native trees and shrubs 10'-15' apart, to restore the 100' Inner Riparian Area, and to cease mowing both in the inner riparian area and in the 30' no touch area to allow the 30' area to revegetate. They set a time line of June 1, 2006.

❖ LC showed samples of the forms she is drafting for filings under the Town Wetlands Protection Bylaw. All members approved

❖ The members signed the OOC for 130 Lakeview Ave.

**JZ: Motion** to approve the minutes of the meeting of August 23, 2005.

**LG: 2<sup>nd</sup>.**

**Unanimous (5-0).**

**LG: Motion** to adjourn.

**RS: 2<sup>nd</sup>.**

**Unanimous (5-0)**

Meeting adjourned at 8:30 P.M.

Minutes taken and respectfully submitted by Gloria Clancy, Clerk